

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOHN W. OUGHTRED, Individually :
And On Behalf Of All Others Similarly Situated :

Plaintiff, :

-against- :

E*TRADE FINANCIAL CORPORATION & :
E*TRADE SECURITIES LLC, :

Defendant. :
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08 Civ. 3295 (SHS)

ORDER

SIDNEY H. STEIN, U.S. District Judge.

In this proposed class action alleging violations of sections 10(b) and 20(a) of the Securities Exchange Act of 1934, 15 U.S.C. §§ 78j(b) & 78t(a), and Rule 10b-5, 17 C.F.R. § 240.10b-5, promulgated thereunder, plaintiffs John Oughtred, Roger Bresnahan and Srinivasan Murari have moved to be appointed as lead plaintiffs and for the Court to approve their selection of counsel. That motion has not been opposed by any member of the proposed class, and during the pre-trial conference held in open court on June 10, 2008, counsel for defendants stated that they do not oppose the motion. Mr. Oughtred is the named plaintiff who filed this litigation, and no one else has made a separate motion or opposed this motion. See Private Securities Litigation Reform Act, 15 U.S.C. § 78u-4(a)(3)(B)(iii). The moving plaintiffs also ask this Court to appoint Girard Gibbs LLP as Lead Counsel; Stueve Siegel Hanson LLP as Co-Lead Counsel and Seeger Weiss LLP as Liaison Counsel.

The Court hereby grants the motion to appoint John Oughtred, Roger Bresnahan and Srinivasan Murari as lead plaintiffs.

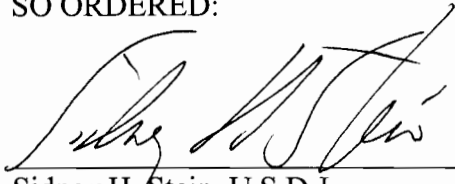
The Court appoints Norman E. Siegel, Esq. of Stueve Siegel Hanson LLP as lead counsel. As this point, the Court sees no need to create a complex leadership structure for a straightforward securities class action. Plaintiffs may renew their request for the appointment of co-lead counsel and liaison counsel if the need arises in the future.

Defendant's time to answer or move in response to the complaint is adjourned sine die.

The next pre-trial conference in this action shall take place on September 12, 2008 at 10:30 a.m.

Dated: New York, New York
June 11, 2008

SO ORDERED:



Sidney H. Stein, U.S.D.J.